

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Mary Beth Carlson v Lee Robert Carlson**
Docket No. **259802**
L.C. No. **03-034244-DM**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the December 8, 2004 order is a postjudgment order that does not affect the custody of a minor. MCR 7.202(6)(a)(i), MCR 7.202(6)(a)(iii), and MCR 7.203(A)(1). An order involving domicile only affects custody if a request to change domicile is granted and the granting of that change deprives the other party of its custodial rights. See *Thurston v Escamilla*, 469 Mich 1009 (2004). As a result, appellant may challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 7 2005

Date

Sandra Schultz Mengel
Chief Clerk